

Response

A. The Rejections

Claims 1-6 and 12 remain pending in the application without amendment. The Examiner has initially rejected these claims, citing principally U.S. Patent No. 6,648,368 to Smith. According to the Examiner, the Smith patent purportedly discloses a two-portion protective device 12 “in which inflation of the second portion 20 [*sic* 18] **commences before** inflation of the first portion 16.” See Office Action at p. 2 (emphasis added).

The Examiner cites no support whatsoever for this assertion, which clearly is incorrect. Repeatedly recited in the Smith patent is that ***inflation of the two portions begins simultaneously***. As noted therein, the air bag assembly of the Smith patent is configured “for ***simultaneous*** and integrated inflation of both the inflatable curtain [16] and the inflatable tube structure [18].” See Smith, col. 1, ll. 53-55 (emphasis added); see also *id.*, col. 4, ll. 4-7 (“These feed holes provide inflator gas to inflate the inflatable curtain 16 ***simultaneously*** with the inflation of the inflatable tube structure 18”). Although the tube structure 18 may be inflated at a faster rate than the curtain 16, clear is that inflation commences for both portions concurrently.

Hence, the Examiner has failed to establish even a *prima facie* basis for rejecting any of claims 1-6 or 12, each of which directly or indirectly recites that inflation of one portion of the device commence ***before*** inflation of the other portion. For at least this reason, Applicants accordingly request that all of the Examiner’s rejections be withdrawn.

B. Form PTO-1449

On April 26, 2004, Applicants submitted the first of two Information Disclosure Statements for the application. The U.S. Patent Office acknowledged receipt of this initial Information Disclosure Statement on April 30, 2004. However, the Examiner failed to initial and return the accompanying Form PTO-1449 with the Office Action. Applicants thus have attached a copy of the previously-submitted Form PTO-1449 behind Tab A and request that the form be initialed and returned with the next communication from the Examiner.

Conclusion

Applicants request that the Examiner allow claims 1-6 and 12 and that a patent containing these claims issue in due course.

Respectfully submitted,



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